



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 145

THURSDAY, JANUARY 26, 2006

The following bill was reported to the Senate from the House and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to waste tires.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 224.50-868 is amended to read as follows:

2 (1) Until July 31, 2010~~[2006]~~, a person purchasing a new motor vehicle tire in
3 Kentucky shall pay to the retailer a one dollar (\$1) fee at the time of the purchase of
4 that tire. A new tire is a tire that has never been placed on a motor vehicle wheel
5 rim, but it is not a tire placed on a motor vehicle prior to its original retail sale or a
6 recapped tire. The term "motor vehicle" as used in this section shall mean "motor
7 vehicle" as defined in KRS 138.450. The fee shall not be subject to the Kentucky
8 sales tax.

9 (2) When a person purchases a new motor vehicle tire in Kentucky to replace another
10 tire, the tire that is replaced becomes a waste tire subject to the waste tire program.
11 The person purchasing the new motor vehicle tire shall either offer the retailer that
12 waste tire or meet the following requirements:

13 (a) Dispose of the waste tire in accordance with KRS 224.50-856(1);

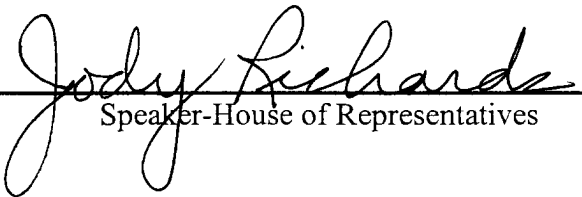
14 (b) Deliver the waste tire to a person registered in accordance with the waste tire
15 program; or

16 (c) Reuse the waste tire for its original intended purpose or an agricultural
17 purpose.

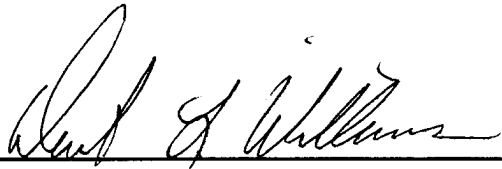
18 (3) A retailer shall report to the Department of Revenue on or before the twentieth day
19 of each month the number of new motor vehicle tires sold during the preceding
20 month and the number of waste tires received from customers that month. The
21 report shall be filed on forms and contain information as the Department of
22 Revenue may require. The retailer shall remit with the report ninety-five percent
23 (95%) of the fees collected for the preceding month and may retain a five percent
24 (5%) handling fee.

25 (4) A retailer shall:

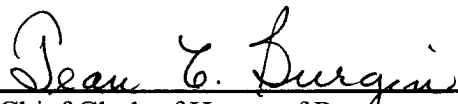
- 1 (a) Accept from the purchaser of a new tire, if offered, for each new motor
 2 vehicle tire sold, a waste tire of similar size and type; and
- 3 (b) Post notice at the place where retail sales are made that state law requires the
 4 retailer to accept, if offered, a waste tire for each new motor vehicle tire sold
 5 and that a person purchasing a new motor vehicle tire to replace another tire
 6 shall comply with subsection (2) of this section. The notice shall also include
 7 the following wording: "State law requires a new tire buyer to pay one dollar
 8 (\$1) for each new tire purchased. The money is collected and used by the state
 9 to oversee the management of waste tires, including cleaning up abandoned
 10 waste tire piles and preventing illegal dumping of waste tires."
- 11 (5) A retailer shall comply with the requirements of the recordkeeping system for waste
 12 tires established by KRS 224.50-874.
- 13 (6) A retailer shall transfer waste tires only to a person who presents a letter from the
 14 cabinet approving the registration issued under KRS 224.50-858 or a copy of a solid
 15 waste disposal facility permit issued by the cabinet, unless the retailer is delivering
 16 the waste tires to a destination outside Kentucky and the waste tires will remain in
 17 the retailer's possession until they reach that destination.
- 18 Section 2. KRS 224.50-872 is amended to read as follows:
- 19 The cabinet shall report to the General Assembly no later than January 15, 2010[2006],
 20 on the effectiveness of the waste tire program in developing markets for waste tires, the
 21 effectiveness of the fee established in KRS 224.50-868 in funding the cabinet's
 22 implementation of the waste tire program, to include any waste tire amnesty program
 23 established by the cabinet as provided for in KRS 224.50-880(1)(b), and whether the fee
 24 should be extended beyond July 31, 2010[2006].



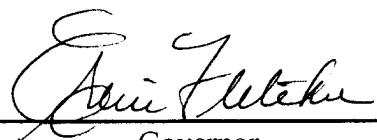
Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 4/5/06